

## REMARKS

Claims 21-40 are pending in the application. It is gratefully acknowledged that Claims 35-37 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 21, 26, 27 and 38-40 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,510,630 ("Agarwal et al."). Claims 22, 24, 25, 29, 30 and 34 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Agarwal et al. in view of U.S. Patent No. 6,229,161 ("Nemati et al."). Claim 28 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Agarwal et al. in view of U.S. Patent No. 6,154,477 ("Weidenheimer et al."). Claim 33 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Agarwal et al. Claim 23 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Agarwal et al. and Nemati et al. in view of U.S. Patent No. 5,821,591 ("Krautschneider et al."). Claims 31 and 32 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Agarwal et al. and Nemati et al. in view of U.S. Patent No. 6,391,720 ("Sneelal et al.").

Please cancel Claim 22 without prejudice.

Regarding the rejection of Claim 28 under §112, second paragraph, Claim 28 has been amended to recite that additional layers are provided on the wafer prior to the fabricating step. Based on at least the foregoing amendment, withdrawal of the rejection of Claim 28 is respectfully requested.

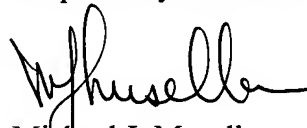
Regarding the rejection of independent Claim 21 under §102(b), the Examiner states that Agarwal et al. anticipates all of the elements of the claim. Agarwal et al. discloses a non-volatile random access memory cell constructed of silicon carbide. Claim 21 has been amended to recite that the plurality of memory cells are T-RAM memory cells, and wherein each of the plurality of T-RAM memory cells includes a first and a second vertical device, said first and second vertical

device being approximately the same height. Agarwal et al. does not teach or disclose these elements. Based on at least the foregoing amendments, withdrawal of the rejection of Claim 21 is respectfully requested.

Independent Claim 21 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 23-34 and 38-40, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 23-34 and 38-40 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 21 and 23-40, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", with a stylized flourish at the end.

Michael J. Musella  
Reg. No. 39,310  
Attorney for Applicants

**DILWORTH & BARRESE, LLP**  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484